IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7102 OF 2002

G.R.Bagul Petitioner

versus

State of Maharashtra & ors. Respondents

Nilesh Pawaskar for petitioner.

M.S.Karnik for respondent no.3.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th January 2006

PC :

1. Heard Shri Pawaskar for petitioner and Shri Karnik for the contesting respondents.

2. Despite being very ably persuaded by the learned counsel to go into the question as to whether Order IX, Rule 13 of Code of Civil Procedure would apply to the proceedings for eviction before competent authority set up under the Maharashtra Rent Control Act, 1999, I refrain myself from deciding such issue, in the peculiar facts of this case. In my view, interest of

justice would be served if the application preferred by respondent no.3 which stands restored to the file of the competent authority by order of the said authority passed on 13th June 2001, is heard and disposed of as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order. In compliance of the said order, if written statement is not filed, the petitioner to file the same within a period of two weeks from today. The competent authority to proceed thereafter and pass appropriate orders on the application on merits and in accordance with law.

(S.C.DHARMADHIKARI, J.)